S.B.Civil Transfer Petition No.15/2005
Smt. Dharamwati Devi vs. Satish Chandra

Date of Order: 09.10.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. R.K. Singhal, for the petitioner.
Mr. Kuldeep Mathur, for the respondent.

Heard learned counsel for the parties.

There are several cases pending between both the parties. This transfer petition was sent to to the Lok Adalat so that in case there is any chance of settlement, the matter may be settled but after several efforts, no settlement could arrive at.

The petitioner-wife of the non-petitioner has filed this transfer petitioner for transfer of the Divorce Petition No.65/2002-Satish Chandra vs. Smt. Dharamwati Devi which is pending in the court of Addl. District Judge, Ratangarh, to the court at Bharatpur. The distance between Ratangarh and Bharatpur is said to be about 700 kms. The non-petitioner is also facing criminal cases at Bharatpur and one of the case launched by the petitioner is pending in the court of Addl. Chief Judicial Magistrte No.3, Bharatpur.

The learned counsel for the petitioner submitted that the petitioner is a lady and she cannot travel to 700 kms. off and on to contest the case there. It is also submitted that now the non-petitioner himself has been posted within the Bharatpur District area and the

distance to Bharatpur court from the place of posting of non-petitioner is less than 100 kms and may be 50 kms.

The learned counsel for the non-petitioner vehemently submitted that it is clear from the facts that criminal cases are launched by the parties and the relations between them are very strained. There is every possibility that the non-petitioner may be manhandled at Bharatpur. Therefore, the petition firstly may not be transferred and if it is found expedient to transfer non-petitioner's divorce petition to any court then that may be transferred to any court, may it be near the Bharatpur city itself. The learned counsel for the non-petitioner submitted that in case the divorce petition is transferred then that may be transferred to the court at Deeg or Bayana.

I considered the submissions of the learned counsel for the parties.

It is is not in dispute that the relations between the petitioner and the non-petitioner are very strained. There are criminal cases and there are serious allegations of flouting the court's orders etc. The petitioner is village lady living near the Bharatpur District and the non-petitioner also has been posted within the Bharatpur District near the court at Bharatpur. So far as request for transfer of case to the court at Deeg or Bayana is concerned, that may cause trouble to the petitioner because she will have to travel to entirely different place whereas

Bharatpur is the bigger city and near to the village of the petitioner. The non-petitioner who is facing criminal case at Bharatpur, cannot have that much of trouble. So far as security of non-petitioner is concerned, for that purpose, he can approach the police authorities and the concerned court but it will be in the interest of the parties to have early disposal of the litigation and, therefore, it will be appropriate that the divorce petition filed by the non-petitioner be transferred to the court at Bharatpur and no useful purpose would be served by transferring the divorce petition to a different court and not to the court at Bharatpur.

In view of the above, the transfer petition is allowed and the Divorce Petition No.65/2002-Satish Chandra vs. Smt. Dharamwati Devi pending in the court of Addl. District Judge, Ratangarh is hereby withdrawn and is transferred to the court of the learned District Judge, Bharatpur to decide it in accordance with law. Both the parties are directed to appear before the court of the District Judge, Bharatpur on 1.11.2006 just after the Deepawali Break. The learned District Judge, Bharatpur is requested to decide the divorce petition expeditiously preferably within a period of six months and both the parties shall cooperate the court in deciding the petitioner expeditiously

(**PRAKASH TATIA),J.**

mlt.